

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
)  
)  
vs. )  
) No. 1:16-cr-10134-DPW  
)  
DAVID TKHILAISHVILI AND )  
JAMBULAT TKHILAISHVILI, )  
)  
Defendants.

BEFORE: THE HONORABLE DOUGLAS P. WOODLOCK

**REDACTED**  
JURY CHARGE CONFERENCE

John Joseph Moakley United States Courthouse  
Courtroom No. 1  
One Courthouse Way  
Boston, MA 02210  
Friday, May 5, 2017  
9:35 a.m.

Brenda K. Hancock, RMR, CRR  
Official Court Reporter  
John Joseph Moakley United States Courthouse  
One Courthouse Way  
Boston, MA 02210  
(617)439-3214

1 APPEARANCES:

2 UNITED STATES ATTORNEY'S OFFICE  
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4 John Joseph Moakley Federal Courthouse  
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8 On behalf of The United State of America.

6 FEDERAL PUBLIC DEFENDER OFFICE  
7 By: Oscar Cruz, Jr., Esq.  
8 District of Massachusetts  
9 51 Sleeper Street  
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12 On behalf of the Defendant.

11 HEDGES & TUMPOSKY, LLP  
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1 (The following proceedings were held in open court  
2 before the Honorable Douglas P. Woodlock, United States  
3 District Judge, United States District Court, District of  
4 Massachusetts, at the John J. Moakley United States Courthouse,  
5 One Courthouse Way, Courtroom 1, Boston, Massachusetts, on  
6 Friday, May 5, 2017):

7 THE CLERK: All rise.

8 (The Honorable Court entered the courtroom at 9:35 a.m.)

9 THE CLERK: This Honorable Court is now in session.  
10 Please be seated. Criminal Action Number 16-10134, United  
11 States v. Tkhilaishvili.

12 THE COURT: Well, a couple of preliminary things. I  
13 do want to have a redacted version of the Indictment go in to  
14 the jury. The way I think I would like to have this work is to  
15 do it with the charging paragraphs. So, the first page would  
16 stop at, "The grand jury charges that, colon." Then you go to  
17 the charging paragraphs for Count One, and maybe Count One I  
18 think can fit on that first page. Maybe it can't. I don't  
19 know. I guess maybe just having separate pages for each of the  
20 counts is going to work.

21 So, the first page would be the caption, the word  
22 "Indictment," "The grand jury charges that, colon."

23 Then the next page would be Count One, and it would be  
24 what is now Paragraph 12. I think I would take the paragraph  
25 numbers out of it, and I would like to have identified John

1 Doe A and the clinic as well. Maybe we do not have to identify  
2 the clinic by name, but John Doe A should be identified in  
3 that.

4 Then, similarly for Count Two. I guess the question I  
5 have with respect to Count Two, though, is whether or not  
6 aiding and abetting really is in this case any longer.

7 Ms. Kaplan, do you have a view about it? They are  
8 either up or down on attempted extortion, it seems to me.

9 THE INTERPRETER: Could you speak louder, please?

10 THE COURT: Oh, I'm sorry. What I was saying is that  
11 I want to be sure, first, that we have separate charging  
12 paragraphs, and I have moved Count Two, which is the charging  
13 paragraph for attempted extortion. The Government has charged  
14 it both as a violation of the Hobbs Act but also a violation of  
15 Section 2, which is aiding and abetting, and I just do not see  
16 an aiding and abetting theory as being applicable in this  
17 setting. They were acting together or not at all in this  
18 attempt.

19 MS. KAPLAN: That's fine, your Honor.

20 THE COURT: And, again, John Doe A would be  
21 identified. What I would ask you to do is give me a clean copy  
22 of this sometime today, maybe before lunch, so that we can all  
23 look at it and make sure that is what we are agreed on.

24 MS. KAPLAN: Okay.

25 THE COURT: Then, Count Three is one with respect to

1 the healthcare program, and I would keep it as it is, but I  
2 don't know, again, why aiding and abetting would be appropriate  
3 under these circumstances. He either did it or he did not; he  
4 didn't aid and abet anybody.

5 MS. KAPLAN: I think that's fine.

6 THE COURT: So, we'll take reference to Section 2 out  
7 of that. And similarly with respect to Count Four. So, it is  
8 not going to have all of the underlying factual background in  
9 it, but it will have the specific charges themselves without  
10 the paragraph numbers, because we have renumbered the  
11 paragraphs, and with the identification of Mr. Torosyan in  
12 there as John Doe A.

13 So, as I said, if you could have that by, say,  
14 lunchtime today. I will take a look at it, and the parties can  
15 take a look at it.

16 Now, turning to the charging issues, I have received a  
17 number of various submissions with respect to it, but I want to  
18 step back a bit and explain my theory of charging and also my  
19 theory of Rule 29 motions.

20 My view is that there is an asymmetry with respect to  
21 the appeal rights of the Government and a defendant. If a  
22 judgment of acquittal is entered in a case before it goes to  
23 the jury, the Government has no appeal rights, and so  
24 throughout my career I have been prepared to put a case to the  
25 jury on the Government's theory, reserving the Rule 29 motions

1 to look at them more carefully if the jury comes back and  
2 convicts. What that means is that, if I have a different view  
3 ultimately with respect to the Government's theory or the  
4 evidence in the case, then the Government is in a position to  
5 take it up on appeal and contest it or not. But, in any event,  
6 that theory of Rule 29 is what guides me in dealing with issues  
7 both of Rule 29 but also issues of instruction. It provides  
8 symmetry to what is otherwise an asymmetrical access to  
9 guidance from the Court of Appeals.

10 So, now let's go back. With respect to a number of  
11 objections and the Rule 29 motion as it exists now, it is based  
12 on to some degree defendant's desire and the Government's  
13 desire to have me introduce references to evidence in my charge  
14 to the jury. I am not going to do that. I will provide a  
15 broad outline of what the standards are, and counsel can argue  
16 the evidence to the jury, and the jury will make its  
17 determination.

18 There are some suggestions that the evidence is  
19 inadequate or insufficient here. To the degree that this  
20 survives a jury verdict, close attention to the record is going  
21 to be necessary, but I am not going to at this stage act on the  
22 Rule 29 motions in that regard.

23 So, let's go back, then, to what am I going to say to  
24 the jury? Well, with respect to the question of interstate  
25 commerce, I am going to put it at a relatively high level of

1     generality, that essentially if there is anticipated, because  
2     we are dealing with conspiracy and attempt, a more than  
3     *de minimis* effect on interstate commerce, the Government has  
4     satisfied that. Now, there is a lot of case law out there or  
5     language in case law about heightened standards and that sort  
6     of thing. That is, it seems to me, law talk, judges talking to  
7     each other about legal standards. But for purposes of  
8     presenting it to the jury, we are really talking about a  
9     realistic possibility of a minimal effect on interstate  
10    commerce. That is what I am going to say to the jury, and you  
11    will argue whatever facts you want to argue with respect to  
12    that.

13             What I am trying to do is cover the things that we  
14    have discussed a little bit before that I see arising from the  
15    submissions of the parties.

16             The question of obtaining, I think I indicated  
17    yesterday, and I am pretty firmly of this view, although,  
18    obviously, I am going to spend a bit of time this weekend  
19    thinking more about the instructions, but my basic view is that  
20    obtaining can be obtaining for oneself, that is, the alleged  
21    extortionist obtaining something for himself, or the  
22    extortionist directing the person who is the victim to provide  
23    something of economic value, or I should say an economic  
24    interest, because I will get to that in just a second, to  
25    someone else that he designates.

1           I recognize that there is a little bit of uncertainty  
2     or at least reservation with respect to this in the case law,  
3     but, A, this does not seem to be one of those cases that rubs  
4     up against the developing case law, or at least the  
5     reservations in the case law here; and, second, my view is that  
6     the Hobbs Act does include obtaining property, or the theory of  
7     obtaining property includes directing it to somebody else.

8           Now, what is the property? Well, the kind of ironic  
9     argument of the defendants is nothing here, it is a bankrupt  
10    entity, so there is no economic value being transferred. I do  
11    not buy that at all. I view it as the transfer in economic  
12    interest, and the parties will assess and the jury will assess  
13    whatever value it has, but it is an economic interest that is  
14    purported to be taken by consent from the victim through the  
15    use of threats of harm here, physical harm.

16          But that is a kind of broad outline of what I think I  
17    am going to do with what I think are the contested issues in  
18    the case. Do not look to me to argue your case or to say, "The  
19    Government says this, the defendant says that, and here is how  
20    it ties into particular pieces of evidence," although I may use  
21    particular pieces of evidence to illustrate it, but it will be  
22    plain vanilla evidence that I am referring to and not the  
23    contested evidence that the parties are focused on. I do not  
24    argue the case, you do, and I mean to provide you with a  
25    framework in which the argument will take place.



1           Now, having given that or maybe somewhat repeated my  
2       views with respect to that, are there things that you need to  
3       know from me so that you do not get blind-sided, I guess. That  
4       is an issue for instructions; that is, you get up and say  
5       something to the jury along the lines of, "Judge Woodlock will  
6       tell you," and then all of a sudden Judge Woodlock does not  
7       tell them. In fact, he tells them something else.

8           MR. TUMPOSKY: Well, the issue that I would inquire  
9       about is the relevance or use for the prior bad act evidence  
10      that came in.

11          THE COURT: I think you are going to have to be more  
12      specific about that, and let me go back about that. This is  
13      not a challenge; it is simply if you want me to do something  
14      more you are going to have to be more specific about it. I  
15      have two aspects of views. I think I expressed them yesterday.  
16      One is whether or not the jury could reasonably understand that  
17      what is called "prior bad acts," we will just say violence that  
18      may be associated with one or both of the defendants, can be  
19      said to have been brought to the attention of and known to the  
20      defendants to have been brought to the attention of the victim.  
21      That is in.

22          MR. TUMPOSKY: I'm sorry. I didn't hear the last,  
23      previous part of it.

24          THE COURT: Known to have been brought to the  
25      attention of the victim.

1 MR. TUMPOSKY: Known by the defendants to have been  
2 brought to the attention of the victim?

3 THE COURT: Yes. That is in.

4 MR. TUMPOSKY: Right.

5 THE COURT: Second, I think about it in terms of an  
6 alternative ground -- or not alternative but simply a separate  
7 ground for the introduction of the evidence, for instance, of  
8 Olga referring to being cut. A jury, I think, might evaluate  
9 this in a more settled fashion after a verdict, if it becomes  
10 necessary, but I do not think it is going to be become  
11 necessary, because it is admissible on other grounds. A jury  
12 could understand that the nature of the relationships among the  
13 several participants in the clinic was such that this  
14 information about the minatory quality of the defendants would  
15 be brought to the attention of the victim.

16 But with respect to the cutting, it goes to her bias  
17 under these circumstances. She said that she was told that she  
18 was going to be cut. That tells the jury something about why  
19 she might testify in a particular way. She made reference to,  
20 and I permitted it to come in, I believe directly, but perhaps  
21 it came in somewhat obliquely, the woman-scorned argument.  
22 This is not a case about dating or relationships, but dating,  
23 relationships are relevant to whether or not a particular  
24 witness has a bias or prejudice that the jury should evaluate  
25 in deciding how much, if any, of the witness's testimony they

1       should credit.

2               So, I am not now aware, but I am asking you to tell me  
3       if there are particular things that you want me to either call  
4       out or be aware of. I am not asking you to say tell me the  
5       thing that you do not want me to tell the jury and then I'll  
6       tell the jury not to think about the things that you don't want  
7       me to have the jury think about, but if you have got a  
8       cautionary instruction, something like that that is focused on  
9       some aspect of it, I would like to know about it.

10              MR. TUMPOSKY: I did propose one, your Honor.

11              THE COURT: Well, yes, but as to particular aspects.  
12       The kind of generalized statements are not enough here. I made  
13       my rulings with respect to evidence. If you want them to be  
14       reconsidered at this stage, then you have got to help me out on  
15       that so that I know what it is that you are upset about.

16              But I will use the cut, for example. It is a prior  
17       bad act, I suppose, threatening someone. On the other hand, it  
18       is a prior bad act directed to a witness who is testifying and  
19       in a context in which the character of the relationships among  
20       the several participants in the clinic could be expected to be  
21       understood by all of the participants either in a general sort  
22       of way or in a more particular sort of way.

23              That is where I stand on it. If there is something  
24       more specific that you want with respect to specific kinds of  
25       evidence, then I will ask you to propose it there. This is not

1 a pop quiz. You have got the weekend to think about that. But  
2 that is how I think I am thinking about it right now.

3 Right now I would give the jury the general scienter  
4 instruction that the critical factor is what did the defendants  
5 believe the victim understood here that they were communicating  
6 to the victim. There is a lot of this kind of, you look at  
7 those transcripts, it is ragtime. I don't think that is a  
8 musical approach of the Caucuses, but it communicates what it  
9 is. "I am not threatening you. That would be wrong, that's  
10 for sure." We've seen that in other transcripts, Presidential  
11 transcripts over the years. The jury could find them to be,  
12 "Wink, wink, nod, nod, we are going to do it to you," or they  
13 could say this is someone who suffers from logorrhea, talking  
14 all the time. That is up to them. But my own view is that it  
15 is more likely than not that they knew that he understood that  
16 it was a threat. That is why I say that this is sufficient for  
17 purposes of the Petrozziello findings.

18 Ms. Kaplan?

19 MS. KAPLAN: I just want to make sure I understand.  
20 The last part that you just said, I'm with you on that, that  
21 the Government has to prove that the defendants knew that the  
22 statements that they made to the victim were intended to  
23 exploit his fear, but I am not sure I'm understanding -- it  
24 sounds like you're also saying that the defendants had to have  
25 known, for instance, that Olga told Victor Torosyan about these

1 past incidents of violence with the defendants, that the  
2 defendants needed to know specifically, and I don't know that  
3 that is the law.

4 THE COURT: Well, I think that is an evidentiary  
5 issue, more an evidentiary issue. That is to say, if the  
6 threats to Olga were to have taken place, put to one side the  
7 alternative grounds or separate grounds of permitting their  
8 introduction that goes to her credibility or the nature of her  
9 credibility, but if the victim were unaware of some violent act  
10 that the defendants performed, then that could not contribute  
11 to the victim's fear, and the victim's fear is evidentiary of  
12 the knowledge of the defendants concerning the impact of their  
13 statements, their various statements. That is the step by  
14 step.

15 Now, am I going to play that out in my instructions to  
16 the jury? No, I'm not. I am simply going to say themes and  
17 variations of, "You look to what the defendants knew and  
18 understood about the impact of their statements and actions  
19 upon the victim." That is what I am going to say.

20 Now, Mr. Tumposky has got some concerns that he may  
21 refine a bit as to particular pieces of evidence, and I will  
22 look at it when he offers it up. But right now I don't think  
23 that I have before the jury any bad-act evidence that has been  
24 introduced for simply bad acts. What I have is evidence that a  
25 jury could find of prior violent activity that was communicated

1 in some fashion to Mr. Torosyan as a result of the nature of  
2 the relationships and so on.

3 So, any other issues that you would like me to --  
4 obviously, I am going to look more carefully at the materials  
5 that have been filed this morning and yesterday afternoon.

6 MS. KAPLAN: Not from the Government. No, your Honor.

7 THE COURT: Mr. Cruz, anything else?

8 MR. CRUZ: No. Thank you, your Honor.

9 THE COURT: As I said, there have been sneak previews  
10 of argument in this case. You are going to get the chance to  
11 argue legitimately on Monday, but that is what you are going to  
12 do. What I am going to do is provide this general framework.

13 MR. CRUZ: No. I understand, your Honor. For  
14 purposes of the record, I would, with regard to the Rule 29,  
15 the Court is denying at this point, correct?

16 THE COURT: Not yet.

17 MR. CRUZ: Or not taking action on it?

18 THE COURT: No, I am not taking action on it. I want  
19 to be able to review it with the full record, if it comes to  
20 that there, with a period of reflection on it. But I am going  
21 to let the case go to the jury.

22 MR. TUMPOSKY: Well, there's the issue of Enmons and  
23 the claim of right defense that I raised, your Honor, also.

24 THE COURT: Don't count on it.

25 THE COURT REPORTER: Could you repeat that, please.

1 MR. TUMPOSKY: Enmons, E-N-M-O-N-S, and the claim of  
2 right defense.

3 THE COURT: I understand the hope and aspiration of  
4 defense counsel in white-collar cases that there is going to be  
5 an eradication of some white-collar initiatives in the future.  
6 I will look at it again, but do not expect that you are going  
7 to get any help from me regarding that, legal help.

8 MR. TUMPOSKY: Well, there is more traditional  
9 employment contracts that I would be framing.

10 THE COURT: See, I do not buy the idea that this is --  
11 and maybe we are talking at cross purposes or in a parallel  
12 way -- that the Hobbs Act is just a union case, that Green  
13 doesn't have radiations elsewhere, that the Hobbs Act I think  
14 deals, obviously, with union matters but also can be held to  
15 deal with what I will call private economic matters. Now,  
16 somebody somewhere may say, "This is madness. The Federal  
17 Government ought not to be involved in threats in this  
18 context," but we are not there yet, or nobody has told me that  
19 yet. People examine the entrails of various Supreme Court  
20 cases and assume that it augers well for their case, and maybe  
21 it does, but the Supreme Court is going to have to examine the  
22 entrails.

23 My view is that we are still in a position where this  
24 kind of case law is not going to affect my charge to the jury.  
25 If there is something more specific you want to hear me say --

1     you are not likely to hear me say, "Claim of right means..." I  
2     am just not going to do it. As I said, it is hopeful in this  
3     area for particularly white-collar defense people and then  
4     maybe when you are dealing with not quite white-collar but in  
5     an economic context people raise it. I do not think I am going  
6     to do it. You can make whatever arguments you want to make,  
7     but you may be undercut to some degree when I say that is not  
8     the standard.

9             Okay. Anything else? So, we will get the draft of  
10    the redacted Indictment to go to the jury, and I may suggest  
11    some additional changes in it, but I think you understand what  
12    it is that I want.

13            MS. KAPLAN: I do.

14            THE COURT: I just want the jury to understand they  
15    have got four different counts, and here is basically what the  
16    Government is charging so that they do not say, "Now, Three,  
17    does that mean \$1,500, or does that mean \$2,000?" So it will  
18    be clear in the Indictment that goes to them. All right?

19            So, we have a couple of short witnesses, brief  
20    witnesses?

21            MS. KAPLAN: So, a couple of things. I do have the  
22    two 302s -- well, I have all three 302s of Victor Torosyan by  
23    the FBI Agents so you can see the prior consistent and prior  
24    inconsistent statements.

25            THE COURT: Right.



1 (Documents provided to the Court by Ms. Kaplan)

2 THE COURT: With respect to the prior consistent  
3 statements --

4 MS. KAPLAN: They are highlighted.

5 THE COURT: -- is there going to be argument about  
6 this? You played up this prior inconsistent statement. I  
7 don't know what the agents is going to say, but I am going to  
8 assume he is going to say, "Sounded like he said 'borrow' to  
9 me."

10 MR. CRUZ: Your Honor, I brought this issue up during  
11 the cross-examination.

12 THE COURT: Right.

13 MR. CRUZ: My intention is simply to ask the agent  
14 whether or not that's what Mr. Torosyan told him, and then my  
15 intent would be to argue to the jury, if that was an  
16 inconsistent statement, that affects their view or potentially  
17 affects their view of what is being alleged in Counts Three and  
18 Four.

19 THE COURT: Right. So, then there are other  
20 statements that do not quite, as I quickly go through this,  
21 other statements that do not quite go as far as you would like  
22 to go with that from Mr. Torosyan.

23 So, for example, I'm looking at the 302 with a date of  
24 entry of 3/14/16.

25 MR. CRUZ: Mm-hmm.

1 THE COURT: It says, "The checks Torosyan knew were  
2 not authorized were Checks 1190 and 1191."

3 MR. CRUZ: Mm-hmm.

4 THE COURT: So, Mr. Torosyan has come down firmly on  
5 both -- assuming that this is what the testimony is going to be  
6 -- he has come down firmly on both sides with predictable  
7 impact on his anatomy when you come down on both sides of a  
8 fence. But that is fair game, it seems to me, to bring out the  
9 prior consistent statements at the same time as the prior  
10 inconsistent statements.

11 MR. CRUZ: I understand, your Honor. Thank you.

12 THE COURT: All right. So, they will simply be before  
13 the jury for their evaluation of his testimony here. But these  
14 statements are not substantive evidence; they are evidence that  
15 can go to the credibility of the statement that he made here in  
16 his testimony. All right?

17 MR. CRUZ: Mm-hmm.

18 MR. TUMPOSKY: The only other issue is I did propose  
19 specific language on the defendant's right not to testify that  
20 I would ask the Court to include.

21 THE COURT: You heard what I did to the jury at the  
22 beginning. I tend to do something like that again. It is not  
23 that I have pride of authorship, but I generally don't adopt  
24 people's ways of characterizing. If there is something that I  
25 missed there or some different formulation that is critical,

1       then I will consider it, but I am going to give them an  
2       instruction of the right not to testify, and it will be  
3       something like the instruction that I gave to the jury during  
4       the course of the jury selection.

5               Okay. Anything else?

6               MS. KAPLAN: Just a housekeeping matter.

7               THE COURT: Sure.

8               MS. KAPLAN: I did provide to Ms. Beatty this morning  
9       a copy of JERS, and it contains all of the Government's  
10      exhibits. I was not sure what your practice was. Ms. Beatty  
11      thought maybe I should have the defendants' exhibits on JERS.

12              THE COURT: The ultimate thing that goes to the jury  
13      has to be both, but, apart from pronouncing broad generalities,  
14      I leave implementation to Ms. Beatty.

15              MS. KAPLAN: So, I would just ask for the defendants  
16      to get us their exhibits.

17              THE COURT: All right.

18              MR. TUMPOSKY: I don't think I actually ended up  
19      offering any, but there was also the issue of the juror who I  
20      notified the Court --

21              THE COURT: Oh, I'm sorry. Yes. I am not sure I  
22      understand. You said the juror -- your colleague, I guess,  
23      told you the juror in Seat Number Seven --

24              MR. TUMPOSKY: Actually, I was incorrect. It was the  
25      far back row closest to the audience. So, that would be Seat

1 Number Nine, I suppose.

2 THE COURT: Boy, that is one I have not seen. As I  
3 indicated, I have observed but satisfied myself that two jurors  
4 who seemed at some point not to be looking directly at the  
5 witness were nevertheless absorbing information and just that  
6 was their way of doing it. Now you said juror in Seat Number  
7 Nine, who is Mr. XXXXX, who is the seat closest to the --

8 MR. TUMPOSKY: Back row closest to the audience, yes.

9 THE COURT: That is the one that you are concerned  
10 with?

11 MR. TUMPOSKY: Yes. I went back just to make sure I  
12 understood what seat number it was. I spoke to her, and that's  
13 what she said.

14 THE COURT: And she said that she observed him falling  
15 asleep?

16 MR. TUMPOSKY: That he was asleep from 2:00 to 2:30,  
17 during the direct of Saba.

18 THE COURT: Boy, I can't say that I observed that, but  
19 I can't say that I was focused on that. Do the other parties  
20 have any view or anything they --

21 MS. KAPLAN: Well, I certainly didn't, but I've asked  
22 Agent Nelson, who has been sitting in the back, and he said he  
23 didn't see any jurors sleeping, but I don't think specifically  
24 he saw that -- was looking at that juror.

25 THE COURT: Okay. Mr. Cruz, anything?

1           MR. CRUZ: Your Honor, I didn't observe. I was  
2 focused on the witness at that point.

3           THE COURT: Okay. So, here is where I will leave it:  
4 You think about it over the weekend. If the parties are  
5 agreeable to having him one of the alternates, I can deal with  
6 it that way, but everybody has to agree to that. If not, and  
7 you want to press it, then I will have to evaluate the  
8 testimony with respect to it against what else I know in the  
9 case. That means bringing in your colleague to testify with  
10 respect to that. So, you can all think about what you want to  
11 do with it.

12           What I would otherwise do, ordinarily do, is take the  
13 two individuals who were identified in the process as the  
14 alternates and excuse them. So, Mr. XXXXXXXXXX and Ms. XXXXX  
15 would otherwise be excused as the jurors. If Mr. XXXXX were  
16 excused, then I guess Mr. XXXXXXXXXX would become the next  
17 juror, would fill the space. So, again, I am not going to  
18 force you to make a decision right now, but that is the process  
19 that I would follow, and I probably would do it, make the  
20 inquiry and make findings after we complete the evidence but  
21 before closings start. So, think about whether that is  
22 something that you want to press, given the procedural  
23 dimensions of it. And there is, as always, strategic  
24 evaluation of what is coming over the hill after Mr. XXXXX  
25 departs, if he departs. Okay?

1 MR. TUMPOSKY: Yes.

2 MS. KAPLAN: Yes, your Honor.

3 MR. CRUZ: Thank you.

4 THE COURT: All right. So, we will see you Monday  
5 morning.

6 THE CLERK: All rise.

7 (The Honorable Court exited the courtroom at 10:08 a.m.)

8 (WHEREUPON, the proceedings adjourned at 10:08 a.m.)

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C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Court Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of *United State of America v. Tkhilaishvili, et al.*, No. 1:16-cr-10134-DPW.

Date: 04/30/18

/s/ Brenda K. Hancock  
Brenda K. Hancock, RMR, CRR  
Official Court Reporter